

TIPPECANOE COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
December 7, 2009

The Tippecanoe County Commissioners met on Monday, December 7, 2009 at 10:00 a. m. in the Tippecanoe Room in the County Office Building. Commissioners present were: President John L. Knochel, Vice President David S. Byers, and Member Thomas P. Murtaugh. Also present were: Attorney David W. Luhman, Auditor Jennifer Weston, Commissioner's Assistant Frank Cederquist, and Secretary Kay Muse.

Commissioner Knochel called the meeting to order and led the Pledge of Allegiance.

APPROVAL OF MINUTES

- Commissioner Byers moved to approve the minutes from the November 16, 2009 regular meeting, second by Commissioner Murtaugh; motion carried.

PRESENTATION OF ACCOUNTS PAYABLE VOUCHERS

Commissioner's Assistant Frank Cederquist recommended approval of accounts payable vouchers for November 19, 20, 23, 24, 25, and December 2, 3, 4, 7, 2009 as submitted with no exceptions.

- Commissioner Murtaugh moved to approve the accounts payable vouchers as presented, second by Commissioner Byers; motion carried.

HIGHWAY-Opal Kuhl

OPENING OF BIDS FOR BRIDGE #36 REMOVAL CONTRACT

Jack Isom Construction	\$ 98,807.25
F & K Construction	\$ 58,524.00
Harvey & Son Inc	\$139,671.20
Milestone	\$102,392.15
HIS Constructors Inc.	\$ 91,400.00
Yates Construction Inc.	\$127,351.60
Pioneer Associates Inc.	\$114,533.20
Duncan Robertson Inc.	\$ 89,323.00

Attorney David Luhman recommended bids be taken under advisement for review.

- Commissioner Byers moved to take the bids under advisement, second by Commissioner Murtaugh; motion passed.

OPENING OF BIDS FOR GASOLINE/DIESEL FUEL AND RENTAL OF EQUIPMENT

Attorney Luhman explained the bids are for a range of products including transport prices and tank wagon prices.

	<u>Transport</u>	<u>Tank Wagon</u>
Ceres Solutions	\$2.294 to \$2.65	\$2.394 to \$2.75
Newton Oil Co.	\$2.235 to \$2.349	\$2.379 to \$2.489

Attorney David Luhman recommended bids be taken under advisement for review.

Commissioner Byers asked Ms. Kuhl if the bids are strictly for Highway, or do they include Sheriff Department. Ms. Kuhl explained they will be for the entire county. Attorney Luhman noted that all bids are available for public inspection.

- Commissioner Byers moved to take bids under advisement, second by Commissioner Murtaugh; motion passed.

2010 EQUIPMENT RENTAL

Attorney Luhman noted the bids are for various items and are available for public inspection.

Milestone
Reith Riley Inc.

- Commissioner Byers moved to take the bids under advisement, second by Commissioner Murtaugh; motion passed.

Ms. Kuhl added that most equipment is in-house and only occasionally is there a need to rent a piece of equipment.

SPEED LIMIT ORDINANCE 2009-21-CM

Executive Director Opal Kuhl presented Ordinance 2009-21-CM for approval. Technical Service Coordinator Mike Parks conducted a speed analysis on roads that needed evaluated and ordinances updated.

Mr. Parks submitted changes to the following roads:

- County Road 250 North from County Road 250 North to Klondike Road, 40 mile per hour.
- County Road 300 West from South River Road to Division Road, 45 mile per hour.
- Newman Road from Division Road to State Road 26, 40 mile per hour.
- Sharon Chapel Road from Newman Road to State Road 26, 40 mile per hour.
- County Road 450 South from county Road 250 East to 0.920 miles East of county Road 250 East, 45 mile per hour
- County Road 200 North from 0.100 miles west of I-65 to County Road 400 East, 35 mile per hour.
- County Road 200 North from 0.100 miles west of I-65 to County Road 400 East , 45 mile per hour.

- Commissioner Byers move to adopt Ordinance 2009-21-CM on first reading, second by Commissioner Murtaugh; motion passed

Auditor Weston recorded the vote:

Byers	Yes
Knochel	Yes
Murtaugh	Yes

Ordinance 2009-21-CM passed 3-0 on first reading.

Commissioner Knochel stated that this ordinance will be heard at the second meeting in December giving the public an opportunity to examine speed limit changes to roads that will be affected.

2009 BRIDGE REHABILITATION PROJECT-CHANGE ORDER #1

Ms. Kuhl presented Change Order #1 on Bridge 160 Rehabilitation Contract for an additional \$8,870. This bridge was not originally part of contract; damage was found and needs attention before winter.

- Commissioner Murtaugh moved to approve Change Order #1 as presented, second by Commissioner Byers; motion passed.

WARRANTY DEED BRIDGE 151

Ms. Kuhl submitted a Warranty Deed for Parcel 6 of Bridge 151, commonly referred to as Hog Point Bridge. The highway department is preparing to rehabilitate bridge 151, and this warranty deed is in the amount of \$18,500 in the name of Dennis L Fagen and Betty L Fagen.

- Commissioner Murtaugh moved to approve Warranty Deed for Parcel # 6 as presented, second Commissioner Byers; motion passed.

CELL PHONE POLICY HIGHWAY DEPT

Director Kuhl presented a Cell Phone Policy for the Highway Department. The policy states if an employee prefers not to carry two phones (one for work and one for personal use) the county will reimburse the employee for county usage of the personal phone in the amount of \$22 a month; this amount was calculated by looking at county usage. The employee will be responsible for supplying the cell phone. Ms. Kuhl further stated if an employee prefers to use a county phone, personal usage will be limited to ten minutes or less per month. Commissioner Byers asked if someone would be checking to assure that time limits are within compliance; Ms. Kuhl explained the bills are checked monthly.

- Commissioner Murtaugh moved to approve Highway Department Cell Phone Policy presented, second by Commissioner Byers; motion passed.

CONSTRUCTION AND MAINTENANCE BOND-MILESTONE

Executive Director Opal Kuhl presented a Construction and Maintenance Bond from Milestone in the amount of \$5,000; this is their normal continuation to do work in the right of way.

- Commissioner Byers moved to accept the Construction and Maintenance Bond as presented, second by Commissioner Murtaugh; motion passed.

AREA PLAN COMMISSION-Sallie Fahey

ORDINANCE 2009-27-CM, AMENDING THE ZONING ORDINANCE 97-51-CM

- Commissioner Byers moved to hear Ordinance 2009-27-CM amending the zoning ordinance 97-51-CM, second by Commissioner Byers.

(quote)

November 19, 2009
Ref. No.: 09-356
Tippecanoe County Commissioners
20 N. 3rd Street
Lafayette IN 47901

CERTIFICATION

RE: AMENDMENT #63—CHANGES TO THE FLOOD PLAIN ZONE:
 To amend the Unified Zoning Ordinance to allow substantially damaged single-family residences to raise the elevation of their buildings during a three year period of time, ending January 1, 2013.

Dear Commissioners:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on November 18, 2009, the Area Plan Commission of Tippecanoe County voted 12 yes - 0 no on the motion to approve the enclosed amendment to the Unified Zoning Ordinance. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Tippecanoe County Commissioners that the proposed zoning ordinance amendment be approved.

Sincerely,
 Sallie Dell Fahey
 Executive Director

(unquote)

Executive Director Sallie Fahey explained this amendment will provide a three year window of opportunity to persons who have longstanding homes in the flood plain, allowing them to elevate structures two feet above regulatory flood elevation. Persons who have flood insurance could receive up to an additional \$30,000 from the Federal Emergency Management Agency (FEMA) to do this work. Ms. Fahey commented the ordinance was championed by Commissioner Byers and added that it has been many months through the County Ordinance Committee. Final recommendation to the Area Plan Commission was made on October 7, 2009; it was then sent to the Department of Natural Resources (DNR) for approval. The DNR granted preliminary approval and will give final approval when ordinances from all six jurisdictions are completed. Ms. Fahey stated the Plan Commission passed the recommendation for approval at its November meeting. Commissioner Murtaugh asked Ms. Fahey when the date the three year window begins; Ms. Fahey replied upon final approval by the DNR. Commissioner Byers stated that he felt this was the right thing to do and thanked Ms. Fahey and her staff for all their hard work. Commissioner Knochel commented this is very similar to what the State passed with the exception of the three year window. Ms. Fahey stated that Amendment #63 is based on what the State did and does not change the ability to build new structures. Commissioner Knochel asked if there were any comments from the public. There were no comments.

Auditor Weston recorded the vote:

Murtaugh	Yes
Byers	Yes
Knochel	Yes

Ordinance 2009-27-CM passes 3-0 on first reading.

GRANTS-Laurie Wilson

Grant Facilitator Laurie Wilson request permission to apply for three grants through Homeland Security.

- Citizens Emergency Reaction Team (CERT) in the amount of \$4,133.41.
- Volunteers in Police Services (VIPS) in the amount of \$1,995.00.
- Medical Reserve Corp (MRC) in the amount of \$2,750.00.

Ms. Wilson stated these grants will be used to sustain existing programs.

- Commissioner Byers moved to grant permission to apply for the grants as presented, second by Commissioner Murtaugh; motion passed.

Ms. Wilson requested permission to accept a 2009 Homeland Security grant in the amount of \$680,000. This grant will be for the nine counties comprising District 4; all entities have agreed on the distribution. This grant will be used for intercommunication equipment between the different counties.

- Commissioner Murtaugh moved to accept the grant as presented, second by Commissioner Byers; motion passed.

BUILDING COMMISSION

Ordinance 2009-26-CM-Ron Highland

Building Commissioner Ron Highland presented Ordinance 2009-26-CM Amending Building Code Fee for second reading.

PROPOSED FEES

Building Permit - change from \$0.20 to \$0.22 a square foot; no maximum or minimum permit fee

Demolition Permit - change from \$50 to \$75

Land Fill Permit - change from \$100 to \$150

Re-inspection Fees - change from \$35 to \$50

Mr. Highland stated these are based on recommendations from the Commissioners, noting he had recommended Building Permits change from \$0.20 to \$0.25 a square foot. Mr. Highland noted this is only for commercial and all others will remain unchanged. Commissioner Murtaugh asked when the re-inspection fee is charged. Mr. Highland stated it is on the third inspection. The first and second is included with the original permit.

- Commissioner Murtaugh moved to approve Ordinance 2009-26-CM to be effective January 1, 2010, second by Commissioner Byers.

Auditor Weston recorded the vote:

Byers	Yes
Knochel	Yes
Murtaugh	Yes

Ordinance 2009-26-CM passes 3-0 on second and final reading.

Unsafe Structures-Ken Brown

Inspector Ken Brown recommended accepting the lowest bid for demolition of the Steve and Michelle Mitchell property located at 4918 Sherman Street in Buck Creek. Commissioner Knochel asked Mr. Brown if he had reviewed the specifications; Mr. Brown stated he had and felt that the lowest bid was acceptable. Mr. Mitchell is requesting the garage be left on the property for approximately three months to be used as storage. Commissioner Knochel asked Mr. Mitchell if he was aware he would be liable for the cost of the demolition if the garage was left standing; Mr. Mitchell stated he was aware of this liability. Commissioner Murtaugh questioned how omitting the garage would affect the cost. Attorney Luhman explained the garage was included in the bids and new bids should be taken if the garage were to

be omitted. Mr. Mitchell stated he needed time to relocate his personnel belongings that are being stored in the garage and does plan to remove the garage at some time in the future. Building Commissioner Ron Highland stated that the county has been working on this matter since 2004 and the garage would need to come down eventually. Commissioner Murtaugh asked if it was possible to accept the bid with stipulation of a 30 day waiting period on the garage, noting the contractor expressed his willingness to work with Mr. Mitchell. Attorney Luhman stated that would be acceptable.

- Commissioner Murtaugh moved to accept the bid from Lauramie Excavating with the request the garage not be demolished for 30 days, second by Commissioner Byers; motion passed.

RECORDER-Oneta Tolle

Recorder Oneta Tolle request approval of a 2010 contract for scanner and printer with Eastern Engineering Supply. Attorney David Luhman stated he had reviewed and it is in acceptable form. Commissioner Murtaugh asked if this is renewed annually; Ms. Tolle stated it is.

- Commissioner Murtaugh moved to approve the contract with Eastern Engineering Supply as presented, second by Commissioner Byers; motion passed.

HUMAN RESOURCES-Shirley Mennen

Ratification of Infinisource Agreement for COBRA

Human Resources Coordinator Shirley Mennen requested approval to ratify an agreement with Infinisource. They will be the new administrator for COBRA.

- Commissioner Byers moved to approve and ratify the agreement with Infinisource, second by Commissioner Murtaugh; motion passed.

ACCEPTANCE OF CONFLICT OF INTEREST DISCLOSURE

Attorney David Luhman submitted a Conflict of Interest Disclosure in reference to a possible contract with SRI Inc., who employs Councilmember Jeff Kemper.

- Commissioner Murtaugh moved to accept the Conflict of Interest Disclosure for Councilmember Jeff Kemper, second by Commissioner Byers; motion passed.

APPROVAL OF SRI, INC. INTERNET SURPLUS PROPERTY ACTION AGREEMENT

Glen Luedtke, Client Service Director of SRI, Inc., submitted an agreement to assist the County and the Sheriff with disposal of excess and seized vehicles. Mr. Luedtke explained the vehicles will be put up for auction on eBay for a period of ten days. He added SRI provides this service to several other counties. Attorney David Luhman stated an addendum to the original contract pertaining to liability of the County in reference to any warranty being applied to vehicles had been submitted to SRI and accepted. Commissioner Murtaugh asked Sheriff Tracy Brown about the number of vehicles that have been seized; Sheriff Brown stated about sixteen vehicles have been seized. Mr. Brown explained there would be two separate contracts for the handling of seized and excess vehicles, one with the Sheriff and one with the County. Commissioner Murtaugh asked if the proceeds would be put back into the General Fund. Attorney Luhman explained unless there is a special statute regarding seized vehicles it would be placed in the General Fund.

- Commissioner Murtaugh moved to approve agreement with SRI Inc. with the addition of the addendum, second by Commissioner Byers; motion passed.

AFFIRMATION OF POOR RELIEF FINDINGS

The Commissioners conducted hearings with respect to appeals filed by Lacie Wheeler and Jennifer Abston against the Wea Township trustee. The Commissioners issued a finding within five days of the hearings.

- Commissioner Murtaugh moved to affirm the finding and decision of the Board regarding the appeal filed by Lacie Wheeler, second by Commissioner Byers; motion carried.
- Commissioner Murtaugh moved to affirm the finding and decision of the Board regarding the appeal filed by Jennifer Abston, second by Commissioner Byers; motion carried.

CHANGE ORDER # 602-1519-01 FOR JAIL ADDITION PHASE II

Commissioner Murtaugh presented a Change Order for the Jail Addition in the amount of \$296 to repair a water heater line. Adding it will not change the budget for the project.

- Commissioner Murtaugh moved to approve Change Order # 602-1519-01 as presented, second by Commissioner Byers; motion carried.

APPLICATIONS TO VILLA

- Commissioner Byers moved to accept the applications of James Harrison, Helen Fox, and Laurie Kessler to the Tippecanoe Villa, second by Commissioner Murtaugh; motion carried.

UNFINISHED/NEW BUSINESS

None

REPORTS ON FILE

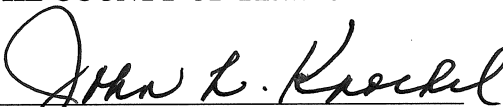
Tippecanoe County Parks Department
Tippecanoe County Building Commission
Mailing and Duplicating Department

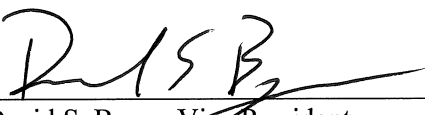
PUBLIC COMMENT

Paul Wright; West Point, IN – Mr. Wright asked if excess public vehicles being stored will be included in the contract with SRI, Inc. Commissioner Knochel stated this agreement includes those vehicles also.

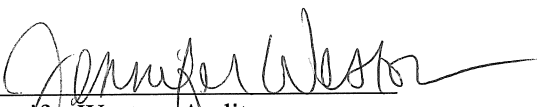
Commissioner Byers moved to adjourn.

**BOARD OF COMMISSIONERS OF
THE COUNTY OF TIPPECANOE**

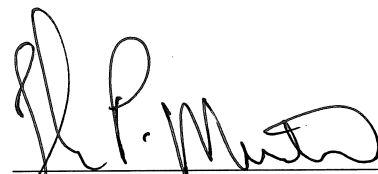

John L. Knochel, President


David S. Byers, Vice President

ATTEST:



Jennifer Weston, Auditor



Thomas P. Murtaugh, Member